

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
FEBRUARY 19, 2002**

The Tippecanoe County Commissioners met on Tuesday, February 19, 2002 at 5:00 P.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President KD Benson, and Member Ruth E. Shedd; Auditor Robert A. Plantenga, County Attorney David W. Luhman, and Secretary Pauline E. Rohr. (Commissioners' Assistant Jennifer Weston was absent.)

President Knochel called the meeting to order and led the Pledge of Allegiance.

***APPROVAL OF MINUTES***

Commissioner Benson moved to approve the minutes of the February 1, 2002 Special Meeting and February 4, 2002 Regular Meeting as distributed, seconded by Commissioner Shedd; motion carried.

***APPROVAL OF CLAIMS***

- Upon the recommendation of Auditor Plantenga, Commissioner Shedd moved to approve the Claims for the periods ending February 1, 2002, February 8, 2002, February 15, 2002, and February 19, 2002 as submitted, seconded by Commissioner Benson; motion carried.

***INTRODUCTIONS***

Jessica Stein was introduced as the new Grant Administrator & Coordinator.

Thomas H. Busch was introduced as the newly appointed Superior Court II Judge. Judge Busch was appointed by Governor O'Bannon to fill the vacancy left by the untimely death of Superior Court II Judge George Heid. Judge Busch will be sworn in at 8:00 A.M., Monday, February 25, 2002 and will serve until December 31, 2002, the end of the current term. He thanked the Commissioners for the opportunity to serve as the County Attorney while he was a member of the Hoffman, Luhman, Busch Law Firm.

***HIGHWAY: Executive Director Mark Albers***

LETTER OF AGREEMENT: Professional Engineering Services

- Commissioner Benson moved to approve the Agreement with DLZ for Professional Engineering Design Services for McCarty Lane Extension Phase 3 from CR 550 E to SR 26 for an amount not to exceed \$155,800.00, seconded by Commissioner Shedd; motion carried.

LETTER OF UNDERSTANDING: Unofficial Local Detour: INDOT

Mr. Albers explained that INDOT (Indiana Department of Transportation) has a project to paint the bridge on SR 225 over the Wabash River. Since the road will be closed for approximately 25 days in April, an unofficial detour on Pretty Prairie Road and Grant Road has been designated to provide a means for local traffic to get around the project. The County Highway Department will film this route prior to the detour and INDOT will reimburse the County for any damage.

- Commissioner Benson moved to approve the letter of Understanding with INDOT concerning the unofficial detour on Pretty Prairie Road and Grant Road, seconded by Commissioner Shedd; motion carried.

***ORDINANCE 2002-08-CM: Speed Limits CR 200 S, 2nd Reading***

This Ordinance that passed on first reading on February 4, 2002 can be viewed in its entirety in that set of Commissioners' minutes.

- Commissioner Benson moved to approve Ordinance 2002-08-CM, an Ordinance regulating speed limits on CR 200 S from Dayton Road to CR 900 E on second reading, seconded by Commissioner Shedd.

No changes were proposed and no speakers spoke in favor or in opposition.

Auditor Plantenga recorded the vote:

John Knochel    Yes  
Ruth Shedd     Yes  
KD Benson      Yes

- The motion to approve Ordinance 2002-08-CM passed 3 – 0 on second and final reading.

***ORDINANCE 2002-09-CM: Traffic Control, 2nd Reading***

This Ordinance that passed on first reading on February 4, 2002 can be viewed in its entirety in that set of Commissioners' minutes.

- Commissioner Benson moved to approve Ordinance 2002-09-CM, a Traffic Control Ordinance, on second reading, seconded by Commissioner Shedd.

No changes were proposed and no speakers spoke in favor or in opposition.

Auditor Plantenga recorded the vote:

Ruth Shedd     Yes  
KD Benson      Yes  
John Knochel   Yes

- The motion to approve Ordinance 2002-09-CM passed 3 – 0 on second and final reading.

***WARRANTY DEED: Bridge #58***

Mr. Albers submitted for acceptance a Warranty Deed and two Temporary Grants of Right-of-Way for the Bridge #58 Project.

**Key #144-03300-0067:** Parcel #1:

A part of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Sec. 30, Twp. 22 N, R 4 W, from Phyllis M. Isenbarger & Mary Helen McDonald.

***TEMPORARY GRANTS OF RIGHT OF WAY: Bridge #58***

**Key #144-03300-0254:** Parcel #2A & #2B

A part of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Sec. 30, Twp. 22 N, R 4 W, from Gary L. & H.G. Quinn.

- Commissioner Benson moved to accept the Warranty Deed and two Temporary Grants of Right-of-Way for the Bridge #58 Project, seconded by Commissioner Shedd; motion carried.

***ADVERTISEMENT FOR BIDS: Bridges #44 & #58 Project***

Mr. Albers announced that advertisement for Bids for the Bridges #44 & #58 Project were published on February 8, 2002 and February 25, 2002. They are due by 8:30 A.M. and will be opened at 9:00 A.M. on that day.

***GRANTS OF RIGHT OF WAY: by Parcelization***

**Key #118-03300-0030:** A part of the NE ¼, Sec. 34, Twp. 22 N, R 3 W, 2<sup>nd</sup> P.M., in Sheffield Twp. on Newcastle Rd. from John D, Carol A., Bonnie J., and Evelyn Rosemary Frantz, Carolyn Butts, & Steve Griner.

**Key #144-01700-0237:** A part of the SW ¼ of the SE ¼ & part of the SE ¼ of the SW ¼ of Sec. 14, Twp. 22 N, R 4 W on CR 500 S, from William R. & Judith L. Yost.

**Key #124-03600-0374:** Part of the SW ¼ of the SW ¼ of the NW ¼ of Sec. 23, Twp. 24 N, R 4 W, CR 300 E, from Robert D. Frazier.

- Commissioner Benson moved to accept the Grants of Right-of-Way by parcelization, seconded by Commissioner Shedd; motion carried.

***UTILITY MAINTENANCE BOND: Northern Indiana Public Service Company***

- Commissioner Benson moved to accept 3 year Utility Maintenance Bond #76S103738127 for Northern Indiana Public Service Company in the amount of \$5,000, seconded by Commissioner Shedd; motion carried.

***CONSTRUCTION MAINTENANCE BOND: Mattcon General Contractors***

- Commissioner Benson moved to accept 3 year Construction Maintenance Bond #929224427 for Mattcon General Contractors in the amount of \$5,000 for work on the right-of-way of 1320 David Ross Rd., seconded by Commissioner Shedd; motion carried.

***CONTINUATION CERTIFICATE: Mulberry Cooperative Telephone Co., Inc.***

- Commissioner Benson moved to accept Continuation Certificate for Bond #04637445 for Mulberry Cooperative Telephone Co., Inc. in the amount of \$5,000, seconded by Commissioner Shedd; motion carried.

***CERTIFICATES OF INSURANCE***

- Western Surety & National Farmers Union for Mulberry Cooperative Telephone Co., Inc.
- Erie Insurance Exchange for Vanderipe Builders.
- Acuity Insurance Company for Structure Contractors, Inc.
- Indiana Insurance Company for SC Builders Inc.
- Crum & Forster Insurance Cos for Jack Isom Construction Co. Inc.
- General Casualty Insurance Co, Accident Fund Company for Clugh Trucking Inc.
- Amerisure Companies, Fireman's Fund Insurance Co., for Atlas Excavating, Inc.

***RESOLUTION 2002-13-CM: Cum Bridge Fund Interest into Local Road & Street Fund***

In Attorney Luhman's summary of the Resolution, he said this action is being taken because of decreased Local Road & Street funding from the State. This interest will provide funds for the construction and maintenance of local County roads for 2002.

(quote)

**RESOLUTION NO. 2002-13-CM**

**PROVIDING FOR THE DEPOSIT OF INTEREST EARNED  
ON CUMULATIVE BRIDGE FUND INTO THE LOCAL ROAD AND STREET  
FUND IN THE YEAR 2002**

**WHEREAS**, the Board of Commissioners of Tippecanoe County has undertaken the construction, reconstruction and maintenance of various local county roads, including the engineering, land acquisition,

construction, resurfacing, maintenance, restoration and rehabilitation thereof, and

**WHEREAS**, Tippecanoe County has previously received funding for such projects from the Indiana Local Road and Street Account; and

**WHEREAS**, the funds received by Tippecanoe County from the Local Road and Street Account are insufficient to continue to adequately fund such projects; and

**WHEREAS**, the Board of Commissioners of Tippecanoe County desire to maintain adequate funding for the construction and maintenance of local county roads; and

**WHEREAS**, it is apparent that General Fund revenues are also insufficient to fund additional construction and maintenance of local county roads; and

**WHEREAS**, the Board of Commissioners is authorized to designate the funds to which interest from investment of funds of the County shall be deposited; and

**WHEREAS**, the Board of Commissioners has determined it to be in the best interest of the County of Tippecanoe to provide for the deposit of all interest earned from investment of the County's Cumulative Bridge Fund (Fund 25) during calendar year 2002 to the local road and street fund for the purpose of providing funds for the construction and maintenance of local county roads;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the County of Tippecanoe, State of Indiana, that during fiscal year 2002 only, all interest from the investment of the County's Cumulative Bridge Fund (Fund 25) shall be deposited to the County's local road and street fund for the purpose of providing funds for the construction and maintenance of local county roads in Tippecanoe County, Indiana.

**DULY PASSED AND ADOPTED** this 19<sup>th</sup> day of February, 2002 by the Board of Commissioners of the County of Tippecanoe, State of Indiana, having been passed by a vote of \_\_ in favor and \_\_\_\_ opposed.

**BOARD OF COMMISSIONERS OF  
TIPPECANOE COUNTY**

VOTE

\_\_\_\_\_  
John Knochel, President

\_\_\_\_\_  
KD Benson, Vice President

\_\_\_\_\_  
Ruth Shedd, Member

ATTEST:

\_\_\_\_\_  
Robert Plantenga, Auditor of  
Tippecanoe County

(unquote)

- Commissioner Benson moved to approve Resolution 2002-13-CM, seconded by Commissioner Shedd; motion carried.

***ORDINANCE 2002-07-CM: Z-2055, David Mitchell A to GB (Continued from February 4, 2002)***

- Commissioner Benson moved to hear and approve Ordinance 2002-07-CM, seconded by Commissioner Shedd.

(quote)

January 17, 2002  
Ref. No.: 02-032

Tippecanoe County Commissioners  
20 N 3rd Street  
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

**CERTIFICATION**

RE:       **Z-2055-DAVID MITCHELL (A TO GB):** Petitioner is requesting  
the rezoning of a 2.45 acre tract located on the north (west) side of  
SR 25 N, 4530 SR 25 N, Washington 36 (NW) 24-4.

Dear County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on January 16, 2002, the Area Plan Commission of Tippecanoe County voted 0 yes - 13 no on the motion to rezone the subject real estate from A to GB. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be DENIED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their February 4, 2002 regular meeting.

Sincerely,  
/s/James D. Hawley  
Executive Director

**ORDINANCE NO. 2002-07-CM**

AN ORDINANCE TO AMEND TBE ZONING ORDINANCE OF  
TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE,  
FROM A TO GB.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF TIPPECANOE, INDIANA:

Section 1. The Unified Zoning of Tippecanoe County, Indiana  
,Being a separate ordinance and not part of a unified county code is hereby  
Amended to rezone the following described real estate situated in Washington Township,  
Tippecanoe County, Indiana, to wit:

A tract of ground in the West half of the Northwest Quarter of Section Thirty-six (36),  
Township Twenty-four (24) North, Range Four (4) West, described more particularly as  
follows, to-wit:

Beginning at a point 349.5 feet Northeasterly along North right-of-way line of State  
Road 25 from the point of intersection of said right-of-way line with the South line of  
above said Northwest Quarter; Thence North 18 degrees 52 minutes West 500 feet; thence  
North 59 degrees 52 minutes East 318 feet; thence due South 470 feet; thence in the  
Southwesterly direction 200 feet on a three degree curve left along the above said North  
right-of-way line to a point of beginning containing 2.45 acres, more or less.

Which said real estate includes all of the real estate described in the previous Deed to

the Grantee dated October 5, 1985 as follows:

A tract of ground in the West Half of the Northwest Quarter of Section Thirty-six (36), Township Twenty-four (24) North, Range Four (4) West, described more Particularly as follows:

Beginning at a point 413 feet Southwesterly along the North right-of-way line of State Road 25 from the point of intersection of said right-of-way line with the East line of the above-described West Half of Section 36; thence North a distance of 470 feet; thence in a Southwesterly direction paralleling above said right-of-way line 200 feet; thence South a distance of 470 feet; thence in a Northeasterly direction along above said right-of-way line 200 feet to the place of beginning, containing 2.16 acres.

Section 2. The real estate described above should be and the same is hereby rezoned from A to GB.

Section 3. This ordinance shall be in full force and effect from and after its passage.

(Adopted and passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana, this 24<sup>th</sup> day of January, 2002.

VOTE:

\_\_\_\_\_  
John L. Knochel, President

\_\_\_\_\_  
KD Benson, Vice President

\_\_\_\_\_  
Ruth E. Shedd, Member

ATTEST:

\_\_\_\_\_  
Robert A. Plantenga, Auditor

(unquote)

Mr. Mitchell requested the zoning change from A to GB because he desires to start a small auto business. In his opinion, an approximate daily traffic count of 13,000 vehicles would support a GB zoning. Mr. Mitchell said he doesn't think there will be a traffic hazard or an intrusion on his neighbors.

Commissioner Shedd inquired about the distance from this property to the nearby curve on SR 25. President Knochel responded that the sight distance at the Buck Creek Road and SR 25 is limited.

Auditor Plantenga recorded the vote:

KD Benson	No
John Knochel	No
Ruth Shedd	No

- The motion to pass Ordinance 2002-07-CM failed 3 – 0.

***PURCHASE AGREEMENT: Real Estate at 779 Cordale Road***

Attorney Luhman explained that Harold Slutsky, the current owner of the property located at 779 Cordale Road, accepted the Commissioners' offer of \$280,000 to purchase the real estate and warehouse. The County Council approved the purchase and appropriation of funds. He said the Commissioners need to approve the Purchase Agreement and a Claim in the amount of \$1,000 as earnest money.

- Commissioner Benson moved to approve the Purchase Agreement with Harold Slutsky for property located at 779 Cordale Road in the amount of \$280,000, seconded by Commissioner Shedd; motion carried.

- Commissioner Benson moved to approve the Claim to Harold Slutsky in the amount of \$1,000 for earnest money, seconded by Commissioner Shedd; motion carried.

***MTS: Executive Director Diane Hawkins***

MASTER AGREEMENT: Unisys

Mrs. Hawkins requested approval of this Agreement to purchase a new 1000 LPM Line Matrix Printer in the amount of \$7,235.00.

- Commissioner Benson moved to approve the Master Agreement with Unisys for a Printer, seconded by Commissioner Shedd; motion carried.

CONSULTING CONTRACT EXTENSION: UPP Business Systems, LLC

Mrs. Hawkins requested approval to extend the contract with UPP Business Systems, LLC until September 30, 2002 for Consulting Services by Mike Salins. The extension will allow Mr. Salins to assist with the PARIS (Payroll Accounting Human Resources Integrated System) Software conversion.

***LETTER OF SUPPORT: Community Corrections Deputy Director Ron Perigo***

Mr. Perigo asked the Commissioners to sign a Letter of Support of the Department of Corrections' grant programs implemented by the Community Corrections' Staff. Mr. Perigo said they are in the second and final year of the current grant that runs from July 1, 2002 through June 30, 2003.

- Commissioner Benson moved to sign the Letter of Support for Community Corrections, seconded by Commissioner Shedd; motion carried.

***INDIANA CRIMINAL JUSTICE INSTITUTE (ICJI) GRANT RENEWALS***CASA: Director Coleen Hamrick

Ms Hamrick requested renewal of the ICJI Grant in the amount of \$18,500.00.

Grant Administrator & Coordinator Stein said she reviewed this Grant and its renewal will continue the one year contract of the Special Projects Coordinator.

- Commissioner Benson moved to approve the renewal of the ICJI Grant for CASA, seconded by Commissioner Shedd; motion carried.

HEARTFORD HOUSE: Director Diana Baumbauer

Ms Baumbauer requested approval for the renewal of their ICJI Grant in the amount of \$37,324.80 for operational expenses for 2002 through 2003.

Ms Stein said she reviewed this Grant and everything seems in order.

- Commissioner Benson moved to approve the renewal for the Heartford House Grant, seconded by Commissioner Shedd; motion carried.

YWCA: Janet Wang, Director of Domestic Violence Intervention

Ms Wang requested renewal of their ICJI Grant in the amount of \$83,533.00. As the only domestic violence shelter in their service area, she said they served 5,725 individuals last year.

- Commissioner Benson moved to approve the renewal of the ICJI Grant for the YWCA, seconded by Commissioner Shedd; motion carried.

MEDIATION SERVICES: Director Thomas Heath

Mr. Heath requested approval for the renewal of the ICJI Grant for Victim Offender Reconciliation in the amount of \$23,866.00.

- Commissioner Benson moved to approve the ICJI Grant renewal for Mediation Services, seconded by Commissioner Shedd; motion carried.

***BOARD OF ELECTION & REGISTRATION: Registrar Linda Phillips***



Mrs. Phillips requested approval of the form of the Election Contract for Poll Workers for the May 7, 2002 Primary Election. She noted an increase of \$15.00 for each worker due to extra mandatory training because of the new voting equipment.

- Commissioner Benson moved to approve the form of the contract, seconded by Commissioner Shedd; motion carried.

***AMENDMENT TO 2002 PRECINCT POLLING LOCATIONS: Registrar Linda Phillips***

The original list, approved by the Commissioners on February 4, 2002, appears in that set of minutes.

Mrs. Phillips noted the polling location change for Wabash 7 from West Lafayette City Hall to Westminster Village. Additional locations are Sheffield 1 at Dayton Fire Station and Sheffield 2 at Dayton United Methodist Church.

- Commissioner Benson moved to approve the Amendment to the 2002 Precinct Polling Locations, seconded by Commissioner Shedd; motion carried.

***DEFERRED COMPENSATION PLAN AMENDMENT & RESOLUTION***

The County has a 457 Deferred Compensation Plan for its employees that has been amended to comply with tax law changes.

- Commissioner Benson moved to approve the amendment to the Public Employee Deferred Compensation Plan, seconded by Commissioner Shedd; motion carried.
- Commissioner Benson moved to approve the Resolution for the Public Employee Deferred Compensation Plan, seconded by Commissioner Shedd; motion carried.

***TREE PRESERVATION AWARD***

Commissioner Benson announced that the Commissioners and Sheriff Murtaugh received the Tree Preservation Award from the Lafayette Tree Fund, Inc. for preserving nine (9) trees by moving them to other locations on North Ninth Street near the Jail. It was necessary to relocate them because of the Jail expansion.

***AMBULANCE BIDS***

- Commissioner Benson moved to advertise for Ambulance Bids that will be due at 10:00 A.M., Monday, March 4, 2002, seconded by Commissioner Shedd; motion carried.

***QUOTES: 629 Building***

Three (3) quotes for carpentry and dry wall finishing for remodeling at the 629 Building were received by the Commissioners. The remodeled space, formerly occupied by the Lafayette Adult Reading Academy, will house a portion of the Health Department.

- Commissioner Benson moved to accept the quote of \$25.00 per hour from Brian Myers for carpentry and dry wall finishing at the 629 Building, seconded by Commissioner Shedd; motion carried.

***REPORTS***

Reports from Mail & Duplicating and Clerk of the Circuit Court are on file in the Commissioners' Office for review.

***PUBLIC COMMENTS***

None.

***ADJOURNMENT***

- Commissioner Benson moved to adjourn, seconded by Commissioner Shedd; motion carried.

Robert A. Plantenga, Auditor

**BOARD OF COMMISSIONERS OF  
THE COUNTY OF TIPPECANOE**

\_\_\_\_\_  
John L. Knochel, President

\_\_\_\_\_  
KD Benson, Vice President

\_\_\_\_\_  
Ruth E. Shedd, Member

**ATTEST:**

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Robert A. Plantenga, Auditor